

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENNETH F. BUTTERFIELD,

Plaintiff,

v.

CASE NO. 2:07-CV-11477  
HONORABLE VICTORIA A. ROBERTS

RUO SANDERS, et al.,

Defendants.

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**ORDER DENYING MOTION FOR REHEARING OR RECONSIDERATION**

Before the Court is Plaintiff's "Motion for Rehearing or Reconsideration" concerning this Court's summary dismissal of his civil rights complaint brought pursuant to 42 U.S.C. § 1983. The Court dismissed the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A for failure to state a claim upon which relief may be granted and on res judicata grounds. Plaintiff seeks reversal of the Court's decision and to proceed on his claims.

However, a motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3).

Additionally, the Court notes that it may not permit Plaintiff to amend his complaint to defeat summary dismissal. *See Baxter v. Rose*, 305 F.3d 486, 488-89 (6<sup>th</sup> Cir. 2002) (citing

*McGore v. Wigglesworth*, 114 F.3d 601, 612 (6<sup>th</sup> Cir. 1997)); *see also Clayton v. United States Dep't. of Justice, et al.*, 136 Fed. Appx. 840, 842 (6<sup>th</sup> Cir. June 10, 2005).

Accordingly,

**IT IS ORDERED** that Plaintiff's motion is **DENIED**.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: April 27, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on April 27, 2007.

S/Carol A. Pinegar

Deputy Clerk